

2
RUSSELL D. GREER
CHAPTER 13 STANDING TRUSTEE
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

| | | | |
|---------------|---|------------------------------------|---------------|
| In re: |) | Case No.: | 18-20365 |
| |) | D.C. No.: | RDG-3 |
| RADHEY SHYAM |) | | |
| |) | CHAPTER 13 | |
| LILLIAM SHYAM |) | | |
| |) | DECLARATION IN SUPPORT OF MOTION | |
| |) | FOR ORDER OF DISMISSAL PURSUANT TO | |
| |) | 11 U.S.C. SECTION 1307 | |
| |) | | |
| |) | DATE: | July 24, 2018 |
| Debtor(s). |) | TIME: | 10:30 AM |
| |) | DEPT.: | D |

Lynn McCutcheon, employee of Russell D. Greer, Chapter 13 Standing Trustee, declares as follows:

1. If called as a witness in this matter, I would testify from personal knowledge to the following.

2. If the Motion for Order of Dismissal is sought upon the grounds of unreasonable delay that is prejudicial to creditors, that the unreasonable delay consists of failure of the Debtor(s) to take some action and is prejudicial to creditors in that no payments are being received by them by reason of such delay.

3. That if the Motion for Order of Dismissal is sought upon the grounds of material default by the Debtor(s) with respect to the terms of a confirmed Plan (such as failure to make plan payments) that the Debtor(s) has/have defaulted thereunder and the default is material.

4. That if the Motion for Order of Dismissal is sought upon the grounds of failure to appear at a duly scheduled 341 Meeting of Creditors the Debtor(s) has/have failed to appear at a duly scheduled 341 Meeting and such appearance was required.

5. That if the Motion for Order of Dismissal is sought upon the grounds of the failure to make pre-confirmation required payments that there has been such a failure.

1 6. That with respect to any other grounds upon which the Motion for Order of Dismissal is
2 sought, the Debtor(s) has/have, in fact, failed as regards the matters set forth therein.

3 7. As of July 10, 2018, the Debtor(s) is/are in default of their plan payments by
4 \$ 11,329.00; the last payment having been received on July 10, 2018.

5 I declare under penalty of perjury that the foregoing is true and correct.
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9 Dated: July 10, 2018

/s/ Lynn McCutcheon
Employee of
RUSSELL D. GREER,
CHAPTER 13 STANDING TRUSTEE